

### **REMARKS/ARGUMENTS**

Claims 1 through 3 were rejected as being anticipated by Amsler. (U.S. 1614705).

Claims 1 through 3 have been rewritten to:

- more distinctly define application's invention
- patentably define the invention over prior art (specifically Amsler (1614705) thereby overcoming the objection cited in the subject Office Action
- present a bona fide effort to advance the application to final allowable action.

Applicant submits that the amendment herein presented claims novelty and non-obviousness over prior art (specifically Amsler (1614705) as explained in the following paragraphs.

1 - Amsler (1614705) goes to great length to describe his invention as a device to contain and hold together a multitude of articles, versus a single article. His Figure 3 clearly illustrates this point. In addition, his description repeatedly cites the plural form of the noun when referring to what his device is applied to. Examples include (note the plural form used each time):

- “for handling piece goods in bulk”
- “postal packages”
- “pieces of baggage”
- “receive large quantities of a great variety of differently shaped articles of varying dimensions”
- “the assembly of articles”
- “the articles therein”
- “The articles may be introduced”
- “these articles may vary in size, shape and weight”

2 - Amsler states "The principal object of my invention is to provide a container which will occupy comparatively little space, is comparatively light in weight, and is flexible in the sense that may receive large quantities of a great variety of differently shaped articles of varying dimensions"...etc.

3 - Amsler continues this theme by repeatedly describing his invention as a container, not a lifting device. This is most notable starting with the Title of his patent - "Collapsible Container". Further, Amsler insists his device is a container, as evidenced on .....

page 1 - lines 1, 8, 33, 40, 42, 47, 47, 52,53, 55, 57, 60, 60, 64, 68, 71, 74, 94, 96, 103

page 2 - lines 3, 7, 11, 20, 31, 36, 41, 45 (Claim 1), 52 (Claim 2), 57 (Claim 3), 66, 67 (Claim 4), 74, 77, 79

It is thus that Amsler has invented a container with which to gather, assemble and retain (or contain) several separate articles.

4 - It is not clear that lifting is the intended method of repositioning with his device, as described on page 1 line 75: "Referring to the drawing, 2 denotes a substantially rectangular base mounted on feet or rollers." It is envisioned that the container he describes, is loaded with several packages of varying size and shape, and his invention is wrapped around such packages in a manner to retain them from dislodging from the assembled grouping, and it is subsequently repositioned within the confines of a post office by means of dragging, or rolling on rollers, or by means of a forklift.

5 - Prior art does not teach any such device with an intent to be used in the process of lifting and moving a single large article.

**6 - My invention solves several previously unrecognized problems**

- the lifting of a single large and potentially cumbersome article with a force that not only raises the article but also stabilizes it from tipping or swaying while it is being moved
- the use of one lifting device (my invention) for lifting any article regardless of the irregular underside or edge such as seen in a piece of furniture with protruding legs

- a lifting and moving device that in the same design provides for attachment to an article regardless of shape, geometry or location of center of gravity, while simultaneously providing for application of lifting forces at positions separated a distance apart so as to provide a stabilizing influence, and at a height that promotes proper lifting techniques to avoid strained back muscles and the like.
- the ability to attach to an article to be lifted that has sloping sides to attach to
- the ability to position more than a single person in place to apply a lifting force directly to the invention

7 – Applicants' invention is **classified in a field of crowded art** so a small improvement such as is presented is typically found to be significant, especially as it **directly resolves an existing but heretofor unresolved need**.

Claims 1 through 3 are presented in amended form that places emphasis on the use of applicants' design for lifting a single article.

In conclusion, applicant submits that the claims as amended present clearly patentable material describing a novel and unobvious design that resolves an existing but heretofor unresolved need, and solves several previously unrecognized problems.

Applicant respectfully submits that the application is now in proper form, and that the claims define patentability over prior art. Therefore, applicant submits that this application is now in condition for allowance, which action applicant respectfully solicits.

If for any reason this application is not believed to be in full condition for allowance, applicant respectfully requests constructive assistance and suggestions of the Examiner pursuant to M.P.E.P. 706.03(d) and 707.07(j) in order that the undersigned can place this

Appl. No. 10/373,177

Amdt. dated June 16, 2004

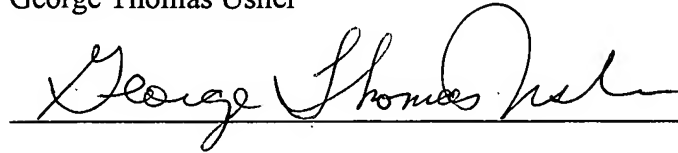
Reply to Office action of March 17, 2004

application in allowable condition as soon as possible and with no need for further proceedings.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

George Thomas Usher



Date: 10-13-05

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Date 10-13-05

Inventor Signature George T. Usher